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6 IN THE UNITED STATES DISTRICT COURT
7
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 E.K. WADE,

No. C 10-04929 CW

10 Plaintiff,

ORDER ON
PLAINTIFF'S
MOTIONS TO
DISMISS AND
DENYING AS MOOT
DEFENDANTS'
MOTION TO DISMISS
AND MOTION TO
DEEM PLAINTIFF A
VEXATIOUS
LITIGANT

11 v.

12 KATPANA SUNDARAM, et al.,

13 Defendants.

14 _____ /

15
16 Pro se Plaintiff E.K. Wade has filed a motion to dismiss his
17 verified complaint without prejudice and a motion to dismiss his
18 second amended complaint without prejudice. The Court deems these
19 motions to be notices of dismissal.

20 Federal Rule of Civil Procedure 41(a)(1)(A) affords Plaintiff
21 the absolute right to dismiss his action without a court order by
22 filing "a notice of dismissal before the opposing party serves
23 either an answer or a motion for summary judgment." See also Am.
24 Soccer Co., Inc. v. Score First Enters., 187 F.3d 1108, 1110 (9th
25 Cir. 1999). Defendants Katpana Sundaram, et al., have not answered
26 Plaintiff's complaint or moved for summary judgment. Accordingly,
27 Plaintiff's action is dismissed.
28

1 Defendants' motion to dismiss and motion to deem Plaintiff a
2 vexatious litigant are DENIED as moot. (Docket Nos. 24 and 25.)
3 The Clerk shall close the file.

4 IT IS SO ORDERED.

5 Dated: 2/7/2011



CLAUDIA WILKEN

United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

WADE et al,

Plaintiff,

Case Number: CV10-04929 CW

V.

BROWN et al,

Defendant.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on February 7, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
in the Clerk's office.

E. K. Wade
307 Twin Bridge Circle
Pleasant Hill, CA 94523

Dated: February 7, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk